

REMARKS/ARGUMENTS

Claims 1 – 10 and 11 – 23 are pending; claims 1 – 4, 6 – 10 and 12 – 20 are rejected; claim 5 is objected to; and claims 21 – 23 are allowable.

The applicants thank the Examiner for allowing claims 21 – 23. The applicants amend claims 1, 10 and 16 to more clearly recite the subject matter of these claims. The applicants respectfully disagree with the Examiner's rejection of claims 1 – 4, 6 – 10 and 12 – 20 and assert that these claims, as amended, are in condition for allowance for the reasons discussed below.

Rejection of claims 1 – 9 under 35 U.S.C. §102(b)

The applicants respectfully disagree with the Examiner's rejection of claim 1 over U.S. Patent No. 3,141,598 issued to Rasmussen (Rasmussen) because Rasmussen fails to disclose all the elements of claim 1, as amended. More specifically, Rasmussen fails to disclose a box that can be closed a second time with one of two top flaps.

The applicants' claim 1, as amended, recites a box 20 (FIG. 1) that includes a first top flap 24c (FIGS. 1 and 2) having an attachment strip 26c (FIGS. 1 and 2) and a tear strip 28c (FIGS. 1 and 2), and a second top flap 24d (FIGS. 1 and 2) having an attachment strip 26d (FIGS. 1 and 2) and a tear strip 28d (FIGS. 1 and 2). To close the box 20 a first time, the attachment strip 26c may be used to attach the first top flap 24c to a third top flap 24a (FIGS. 1 and 2). Then, to open the box, the tear strip 28c may be used to release the first top flap 24c from the third top flap 24a. To close the box a second time, the attachment strip 26d may be used to attach the second top flap 24d to a fourth top flap 24b. Then, to open the box a second time, the tear strip 28d may be used to release the second top flap 24d from the fourth top flap 24b.

In contrast, Rasmussen discloses an easy opening container A (FIG. 2) that cannot be closed a second time with one of two top flaps. Container A includes four top-closing-flaps 23, 24, 25 and 26. To close the container A, one attaches each top-closing-flap 23 and 25 to both of the remaining top-closing-flaps 24 and 26. If only

one of the top-closing-flaps 23 and 24 are attached to both top-closing-flaps 24 and 26, the container A will remain open. Because both top-closing-flaps 23 and 25 must be attached to both top-closing-flaps 24 and 26 to close the container A, one can not reuse the container A without gluing or taping a strap to at least one of the top-closing-flaps 23 and 25 to bridge the gap generated by removing a respective one of the tear strips 29 and 31. Thus, unlike the applicants' box claimed in claim 1, as amended, Rasmussen's container A does not include a top-closing-flap that may remain unattached to the top-closing-flaps 24 and 26 when the container A is closed.

Therefore, because the container disclosed in Rasmussen cannot be closed a second time with one of the two top-closing-flaps, Rasmussen fails to anticipate the applicants' box as claimed in amended claim 1.

Claims 2 – 9 are patentable by virtue of their dependencies on claim 1.

Rejection of claims 10, 12 – 15 under 35 U.S.C. §102(b)

Claim 10 is patentable over Rasmussen for reasons similar to those recited above in support of claim 1 over Rasmussen.

Claims 12 – 15 are patentable by virtue of their dependencies on claim 10.

Rejection of claims 16 – 20 under 35 U.S.C. §102(b)

Claim 16 is patentable over Rasmussen for reasons similar to those recited above in support of claim 1 over Rasmussen.

Claims 17 – 20 are patentable by virtue of their dependencies on claim 16.

Conclusion

The applicants assert that claims 1, 10 and 16, as amended, are allowable and respectfully request the Examiner withdraw his rejections and objection against claims 1 – 10 and 12 – 20, and issue an allowance for these claims.

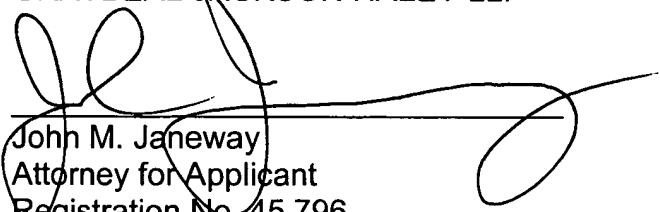
Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, John Janeway, at (425) 455-5575.

DATED this 1st day of June 2004.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



John M. Janeway
Attorney for Applicant
Registration No. 45,796
155-108th Avenue N.E., Ste. 350
Bellevue, WA 98004-5973
(425) 455-5575

Enclosures: Return Receipt postcard